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[1770] [bet. Aug. 1772 & June 1773]

Propositions for the Establishment of a Colony [Province of Pittsylvania] and Govt upon the Lands West of the Alligany Mountains ceded to the Crown by the Indians at the Congress at Fort Stanwix in 1769.

First, That the Lands comprehended within the following Boundaries be separated from the Colony of Virginia & erected by Letters Patent under the Great Seal of Great Britain into a distinct Colony under the Name of Pittsylvania that is to say, That the said Colony be bounded on the West, North & N.W. West by the River Ohio from that part of the said River where the Western Boundary Line of Pennsylvania strikes the same down to that part ~~of the said River~~ thereof which is opposite to the Mouth of the Sioto and by a Line drawn from thence due South through the Ouasciato Mountains until it strikes the North Line of Earl Granville's Grant. That the said Colony be bounded on the South [N 348] by the said North Line of Earl Granville's Grant from the last mentioned station point, to that part of the said

Line where it enters the Alligany Moun-
-tains. That the said Colony be bound-
-ed on the East by a Line drawn northe-
-rly along the said Alligany Mountains
to Lord Fairfax's Line and from thence
along the same to the Spring Head of
the North Branch of the River Pota-
-mack, thence along the Western boun-
-dary Line of the Province of Maryland
to the South Boundary of the Province
of Pensylvania, thence along the said
Southern Boundary of the Province of
Pensylvania to the end thereof and thence
along the Western Boundary Line of the
said Province of Pensylvania to where it
strikes the River Ohio.

[N Sng] / That the form & Constitution of Go-
-vernment within the said New Colony
be as follows, that is to say, That there
be a Govr in Chief of the said Colony
appointed by His Majestys Commission un-
-der the Great Seal with the like Powers
Privileges and Authorities both Civil and
Military as are given to the Govrs of other
Colonies that are more immediately under
His Majestys Govt.

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That there be a Council consisting of twelve persons to be appointed by His Majesty in like manner as the Councils in other Royal Govts and that the said Council have the same Powers, Privileges and Authorities and be subject to the same restrictions and regulations as in other Colonies.

That there be a House of Repre-sentatives consisting of two Deputies elect-ed by the Majority of Freeholders of each of the Counties into which the said Colony shall be hereafter divided.

That every person having in his own Right or in Right of his Wife a freehold of the yearly value of £20 be-ing a Protestant & not being under the Age of twenty one Years shall be capa-ble of being elected into the Assembly. (Passed)

That no Elections be made but by Writs in His Majesty's Name to be issued by the Governor, at such times and on such Occasions as he shall with the Ad-vice of the Council judge necessary and proper and that the said Govr do from time to time as he shall judge necessary

adjourn prorogue and dissolve all General Assemblies, provided nevertheless that the Meetings of such general Assembly be not discontinued either by adjournment, Prorogation or dissolution for a longer Space than Six Months. and that the House of Representatives / in like manner as the Councils in other Royal Governments; and that the said Council have the same powers, privileges and authorities and be subject to the same restrictions and regulations as in other Colonies.

[Pr 351 sheet 2 Forig]

The first House of Representatives to consist of 24. that number not to be increased till after 12 Counties shall have been erected.

That there be a House of Representatives, consisting of two Deputies elected by the majority of Freeholders of each of the Counties into which the said Colony shall be divided; But

That every Person ~~having~~ possessed in his own right, or / in right of his Wife, ~~of~~ × ~~freehold of the yearly value of Twenty Pounds~~,

× That in the meantime & untill 12 Countys shall have been erected the said House of Representatives to ~~consist~~ be limited to the number of 24. to be chosen by the freeholders of the province at large considered as one County.

[Nose]

× 1000 Acres of freehold land.

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~~200 Acres of like freehold land, to qualify to elect.~~

being a Protestant, and not be-
ing under the age of Twenty
one years, shall be capable
of being elected into the As-
sembly; and ×

× that ~~the 200 freehold of no 200 Acres of Land shall preson~~ shall vote in the Election of Representatives who is not a protestant and is not possess-ed of 200 Acres of Freehold Land either in his own Right or in Right of his Wife.

That no Elections be made
but by Writs in His Majesty's
Name, to be issued by the Go-
vernor at such times, and on
such occasions, as he shall,
with the advice of the Coun-
cil, judge necessary and pro-
per; and that the said Go- [p. 353]
vernor do, from time to time as
he shall judge necessary, prorogue
and dissolve all General As-
semblies; provided neverthe-
less that the Meetings of such
General Assemblies be not dis-
continued either by adjourn-
ment, prorogation, or dissolu-
tion, for a longer space than
twelve Months; and that the
House of Representatives do not,
when assembled, adjourn it-
self otherways than de Die in Diem

[A356] That the said House of Representatives do elect their own Speaker, subject to the negative of the Governor; and do also appoint all other Officers incident to that Establishment, excepting only the Clerk of the said Assembly, who shall be appointed by His Majesty.

That no Person (except as herein after excepted) be admitted to sit or vote in the
[A355] Council or House of Representatives who shall not have first taken the Oaths appointed to be taken by the Act of the 1st. of Geo the 1st. & shall also have made & subscribed the Declaration mentioned in the Act of 6th. the 2d. for preventing Dangers which may happen from Popish Recusants, which Oath is also to be taken & Declaration made & subscribed by all persons whatever admitted into any Office Civil or Military, except Quakers or others who may conscientiously scruple the taking an Oath, which Persons may be admitted into the Council Assembly & into Offices & Places of Trust upon their making & subscribing the Declaration of Allegiance in the form used by

& others in the Province of Nova Jersey

Quakers ~~in Great Britain~~ together with a solemn Declaration for the true & faithful Discharge of their Trusts.

That the Gov^r & Council shall, in conjunction with the Representatives ~~for the Counties~~ when met in General Assembly, have a Power & Authority to make, constitute & ordain Laws, Statutes & Ordinances [1756] for the public Peace, Welfare & good Government of the said Colony, which Laws shall be passed in like manner & form as is observed in respect to the passing Acts of Parliament in Great Britain, reserving to the Governor a Negative Voice in the passing thereof.

That all such Laws so made & passed by the Gov^r, Council & House of Representatives, & which are confined in their Provisions & Operations to Cases relating to the Internal Police & Oeconomy of the Colony, be made to take effect immediately upon their passing, & to continue in

and to the granting to His Majesty ~~such Sums of Money~~ Money by Taxes either upon the Polls or Estates of the Inhabitants

force unless disallowed by Order of His Maty in his Privy Council, in which case the said Laws shall cease immediately to oper.ate upon the publication of such Disallowance, & shall up.on no account be revived or re.enacted without His Maty's con.sent first obtained, nor shall the Govr without the King's Consent first obtained give his / Assent to any Law for ~~raising Money or for~~ imposing any Duties ^ ~~or Taxes, or by which~~ the Interest of Persons in their private Es.tates shall be bound, or the Trade or Shipping of this Kingdom be any ways affected, or by which any Regulations shall be made respecting the Establishments found.ed by His Maty's Authority under the Great Seal of Great Britain or otherwise, unless he takes care that the Bills enacted for such Purposes have Clauses inserted therein suspending & deferring

[A 35y]

~~other than by a tax upon the Land~~

^ upon Goods & Commodities imported or exported in pass.ing thro the said Colony - or by which Laws

their Execution until the
King's Pleasure be known,
Provided nevertheless that His Maty
may, in time of War, or other
imminent Danger, by Instructions
under His Royal Sign Manual,
authorize the passing Laws to take
effect immediately for raising such
Sum or Sums of Money as shall be
necessary to answer the Exigencies
of Government under such Circumstances.

That the sacred Rites & Cere-
monies of Divine Worship, accord-
ing to the Liturgy of the Church
established by the Laws of Eng-
land, shall be deemed the fixed [N 358]
Form of Worship in this Colony &
the Places wherein such Liturgy
shall be used, shall be respected
& known by the Name of the
Church of England, as by Law
established.

That the Power of collating
to all Benefices granting Licences
for Marriages & Probate of Wills
be vested in the Govr, but that

for the better preserving of purity & Unity of Doctrine & Discipline in the Church, & the Right & due Administration of the Sacrament, no Person shall be admitted to officiate as a Minister of the Church of England, but such as shall produce to the Govr a Testimonial that he hath been licensed by the Lord Bishop of London, & shall declare publickly his Assent & Consent to the Book of Common Prayer, & shall also make & subscribe a Declaration of his Conformity to the Orders & Constitution of the Church of England, as by Law established.

That the Jurisdiction of the Bishop of London in all Cases respecting the Conduct & Behaviour of the Ministers of the [A 359] Church / of England within the Colony be admitted to its full Extent, and his Power of Suspension or Removal, in cases in which he has Authority as Diocesan, be fully established as a part of the Constitution, Provided nevertheless that all Protestants dissenting from the Church of England, whether they be Calvinists, Lutherans, Quakers or under what Denomination soever, have full Toleration & free Liberty of Conscience, and may erect &

build Houses for public Worship, & may chuse & elect Ministers for divine Service & Administration of the Sacrament, accord. ing to their several Opinions, & all such Dissenters shall be excused from any Rates or Taxes to be made & levied for the Sup. port of the Established Church of England.

That for the more effectual Encour. agement of Religion, according to the Church of England, as by Law established, each County within the Colony be subdivided into Parishes, & that when a Parish is formed, a Church built & a Minister ap. pointed the Inhabitants of such Parish do meet together & elect twelve persons (of which the Minister to be always one) to be [P. 560] Vestry Men, which Vestry Men together with the Church Wardens, to be nomina. ted & appointed in like manner as Church Wardens are appointed in England, shall have & exercise the same Powers & Au. thorities for the Benefit of the Church as are vested in Church Wardens & Ves. tries in the Parishes in England.

That the Election of Vestry Men & Church Wardens be made Annually at a

General Meeting of the Parishioners at large, and that the Parishioners may, by a Vote of the Majority at such Annual Meeting, grant such Sums towards the Support & Maintenance of the Minister, or for the Build-ing & Reparing of the Church as they shall think necessary, the said Sums to be as-sessed in equal proportions on every Parish-ioner according to his Abilities, excepting only such as are excempted as herein be-forementioned from paying towards the Support of the Church of England.

That for the Administration of Civil & Criminal Justice within the said Co-lony, there / shall be a superior Court of [P 361] Judicature, Court of Assize & General Goal Delivery over the whole Colony, to be held & kept at such times & Places as the Govr & Council shall direct & appoint, by one Chief Justice & two Assistant Judges, to be appointed by His Majesty for that pur-pose, & who shall have cognizance of all Pleas real personal or mixt, as well all pleas of the Crown & all Matters relat-ing to the Conservation of the Peace & Punishment of Offenders, as civil Causes or

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Actions between party & party, & between
His Maty & any of His Subjects, whether
the same do concern the realty & relate
to any Right of Freehold or Inheritance,
or whether the same do concern the Per-
sonalty & relate to Matter of Debt, Con-
tract, Damage or Personal Injury, & also
all mixt Actions which concern both
Realty & Personalty brought before them
by Appeal, Review, Writ of Error or other-
wise, as the Law directs & generally of
all other Matters, as fully & amply, to all
Intents & Purposes as the Courts of King's
Bench, Common Pleas &, Exchequer with-
in this Kingdom have or ought to have,
& that such Court have Power to give
Judgment / therein & award Execution [p362]
thereupon.

That Justices of the Peace shall be
appointed for each County by Commission
from the Govr in the nature & form of
the Commissions of the Peace in this
Kingdom, which Justices shall hold Gener-
al & Petty Sessions of the Peace in like
manner as is practised here, & that any
four of the said Justices be commissionated

by the Govr to hold inferior Courts of Common Pleas within each Coun. ty, which Courts of Common pleas shall have Cognizance of all Civil Actions, to the Amount of £20, aris. ing within the respective Counties, £100 2. triable at Common Law of what nature, Kind or quality soever, with power to give Judgment therein & award Execution thereupon.

That Appeals be allowed from all inferior Jurisdictions of what nature or kind soever to the Su. perior Court, under such Regula. tions & Restrictions as have been prescribed in other Colonies, & from the Superior Court to His Majesty in His Privy Council, in the same Cases & under the like Regulations as are prescribed in His Majesty's Instructions to His other Governors.

That the Judges of the Su. perior Court shall once in every [p. 363] Year present unto the Governor the Names of three Persons, Freeholders in each County, of which the Governor

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shall appoint One to be Sheriff for each of the said Counties, who shall hold & execute his Office in like manner with the same Privileges and Powers, & under the like Restrictions as appertain to the Office of Sheriff in this Kingdom.

That the Governor & Council taking to their Assistance the Chief Justice and Assistant Judges do, ~~by Act of Assembly~~ Order in Council, appoint the times & places for holding the Superior & inferior Courts of Justice, general Goal Delivery & Sessions of the Peace, & ~~do also~~ that ~~regulate & appoint~~ the manner of summoning & returning Grand & Petit Juries, ~~conforming themselves~~ to be regulated by Act of Assembly as near as may be conformable to the Rules & Regulations established in respect to such Juries in other Colonies.

That the Clerk of the Superior Court of Judicature as well as all other Officers incident thereto be appointed by His Majesty, & that the Clerks & other Officers incident to the Inferior Courts be appointed by the Governor

That there be an Attorney General ap-
pointed by His Majesty.

That there be a Secretary of the said
[1516] Colony, to be appointed by Commission under
the Great Seal with the like Powers, Privi-
leges & Authorities incident to that Office
in other Colonies, & that the Office of Secre-
tary shall be an Office of Record, in which
all Wills Grants & Conveyances of Land, &
all other Deeds & Instruments that are in
their nature matter of Record shall be regis-
tred & recorded.

That such Establishments be formed
for regulating & comptrolling their Exporta-
tion & Importation of Goods & Commodities;
for collecting the Duties payable to the Crown
thereupon: for the better Execution of the
Laws respecting the Plantation Trade; &
for the preventing illicit & contraband Com-
merce, as the Lords Commissioners of His
Majesty's Treasury shall think proper for
those purposes.

That all Rents, Taxes & Duties of
what Nature & Kind soever, accruing
or becoming due to His Majesty, either in
Virtue of Grants made by the Crown

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[P.365]

/or by Acts of Assembly, or otherwise, be paid into the hands of a Receiver General, to be appointed by His Majesty for that purpose.

"That, in order to prevent undue Exactions in the several Offices herein before proposed to be established, the Governor & Council do regulate & ascertain the Fees to be taken in all public Offices whatever, taking a special care that such fees be within the Bounds of Moderation, according to what has been settled and established in the neighbouring Colonies, & that a Table of such fees when the same shall have been approved & confirmed by Order of His Majesty in Council be hung up in every Office within the Colony.

except on grants of Lands made by the Proprietors.

That, pursuant to His Majesty's Order in Council of the 14th. day of August 1772, so much & such parts of the Lands included within the Limits of the New Colony as is hereinafter mentioned, be granted to Thomas Walpole, Benjamin Franklin, John Sarjant, and

Samuel Wharton, & to other persons associated with them, that is to say.

All the Lands included within the

[p. 546]

following Lines, viz^{t} — / "Beginning on the "South Side of the River Ohio opposite to the "Mouth of Scioto. thence Southerly through the "Pass in the Quasioto Mountains to the South "Side of the said Mountains, thence along the "Side of the s^{d} Mountains North Easterly to the "Fork of the great Kenhawa made by the Junc- "tion of Green Brier River & New River, thence along "the said Green Brier River on the Easterly Side "of the Same, unto the Head or Termination of "the North Easterly Branch thereof. thence Easterly "to the Alligany Mountains, thence along the "said Alligany Mountains to Lord Fairfax's "Line, thence along the same to the Spring "Head of the North Branch of the River "Potomack, thence along the Western Boun- "dary Line of the Province of Maryland to

(p. 547)

"the Southern Boundary / Line of the Province "of Pensylvania, thence along the said South- "ern Boundary Line of the Province of "Pensylvania to the end thereof, thence "along the Western Boundary Line of the "said Province of Pensylvania untill the

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"same shall strike the River Ohio, thence
"down the said River Ohio to the place of
"beginning."

That the said Grant be made upon the following Conditions & Reservations that is to say.

That the said Grantees do upon the Day of the date of the Grant pay into the Receipt of His Majesty's Exchequer the Sum of Ten Thousand Four Hundred and Six-ty Pounds Seven Shillings & three Pence, pursuant to the Agreement made with the Treasury on the 7th of April 1772.

That the said Grantees do Yearly and every Year for ever pay to His Majes-ty, His Heirs and Successors, or to such Person or Persons as His Majesty shall ap-point / to receive the same, the sum of [illegible] two Shillings Sterling for every Hundred Acres which they shall demise, plant or settle, the said Payment not to commence until the Expiration of 20 Years after such Grant, Demise, planting or settling respectively.

That for the better ascertaining and securing the Payment of the said Quit Rent, all Leases, Grants, Conveyances, Demises, Plantings

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& Settlement, or proper Memorials thereof be within Six Months from the date thereof ~~registered~~ deposited in the Secrys Office within the Colony, & Duplicates thereof transmitted to the Auditor of the Plantations.

be deposited in order to be registered

That the said Grantees do annually pay into the Receipt of His Majestys Exchequer, or into the hands of such Person as His Majesty shall appoint the Sum of £3,000, for and towards the support and Maintenance of the Civil Establishment of the Colony, according to the Estimate hereunto annexed, either in the whole or in part the said Payment to cease & discontinue so soon as proper Provision shall have been made by some Law of the Colony, approved by His Majesty, for supporting such Establishment.

[N.S.W.]

or such part thereof for wch provisions shall be made

That the said Grantees, shall within the space of 1 year from the date of the Grant, erect & build, or cause to be erected & built, at their own proper Cost and Charge, with-

-in such part of the Province granted to them, as His Majesty shall direct & appoint, a House proper for the Residence of His Majesty's Governor, and also a Church, ~~a Court House, and a Goal~~.

That the said Grant be made without prejudice to any Possession within the said Limits held or claimd by any Persons Whatsoever under legal Grants made by the Governor & Council of Virginia, antecedent to the date of His Majesty's Royal Proclamation of the 7th of October 1763. and that the Claim of the Officers of the Regiment raised and paid by the Colony of Virginia in 1754. to a Grant of Two hundred Thousand Acres of Land upon the Waters of Ohio be made good to them or their legal Representatives on the Terms & Conditions set forth in Lieut. Governor Dinwiddie's Proclamation of the 19th of February 1754. (A 270)

in some part of the proprietary Grant Colony, either within the proprietary Grant or otherways provided the said Grant be Located in one contiguous tract.

That the said Grantees do not, without this Majesty's Consent and Permission first obtained, settle, occupy or improve any part of the Land comprehended within the following Limits, that is to say beginning on the South Side of the River Ohio opposite to the Mouth of the River Sioto, thence due South through the Pass in the Ouasioto Mountains to the South [1597] Side of the said Mountains, thence northerly along the same to the Boundary Line settled with the Cherokee Indians at the Congress at Lochaber on the 18 Oct. 1770 thence along the said Boundary Line to the Mouth of the Kanawa River, thence down the River Ohio to the place of beginning.-

That there be a Reservation to His Majesty His Heirs and Successors, of all Mines of Gold, Silver, or precious Stones, and of a Right of erecting on any part of the said Lands, such Forts and Fortifications as may hereafter be judged necessary for the Security and Defence of the Possessions of the Crown in North America. —

Estimate

Estimate of the annual Expence of the Civil Establishment of the Colony proposed to be erected upon the Ohio. — [A.372]

Governor's Salary	£1,000 .~ .~
Chief Justice Do	500 .~ .~
Two Assistant Judges	400 .~ .~
Attorney General	150 .~ .~
Clerk of Assembly	50 .~ .~
Secretary	200 .~ .~
Two Ministers	200 .~ .~
Contingencies	500 .~ .~
	£ 3,000 .~ .~

Endorsed Propositions for the / Establishment of a Colony & / Government upon the / Lands West of the Alligany / Mountains ceded to the / Crown by the Indians at / the Congress at Fort Stanwix / in 1769. [A.370]